IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR. JUSTICE N.V. RAMANA

WRIT PETITION NO : 29938 of 1995

Between:

Nagendra Kumar Traders, Guntakal

rep. by its Proprietor, S. Lakannasetty,

S/o. Narayanasetty, R/o. Guntakal

..... PETITIONER

AND

1. Agricultural Market Committee, Guntakal,

rep. by its Special Grade Secretary.
2. Government of Andhra Pradesh rep. by its Secretary,
Agriculture and Marketing, Secretariat, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of a Writ of Mandamus directing the notification No.286, dated 5.7.1994 declaring jaggery as agricultural produce is ultra vires and contrary to Section 2(i) of the A.P. (Agricultural Produce and Livestock) Markets Act, 1966 and accordingly declare that the Act has no application to jagery or in the alternative declare that the bye-law of the 1st respondent does not provide for levy of market fees under the Act as on date and

interdict the 1st respondent from levying market fee on jaggery.

For the Petitioner: MR. P. SRINIVAS REDDY, Advocate.

For the Respondent No.1: MR. BADANABHASKAR RAO, SC FOR AGRL.MRKTING.

For the Respondent No.2:

The Court made the following :

ORDER:

The writ petition is filed seeking to declare the Notification contained in G.O. Ms.No.286, Agriculture & Cooperation (Mrtg.I) Department, dated 05-07-1994, issued by the Government of Andhra Pradesh, declaring 'jaggery' as agricultural produce, as ultra vires and contrary to Section 2(i) of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966 (for short "the Act"), and to declare that the Act has no application to 'jaggery', or in the alternative to declare that the bye-law of the first respondent does not provide for levy of market fees on 'jaggery', and to interdict the first respondent from levying market fee on 'jaggery'.

When the matter came up today, the learned Standing counsel for the first respondent submitted that the subject matter of this writ petition is squarely covered by the judgment of this Court in **Chodavaram Co-op. Sugars Ltd. v. State of Andhra Pradesh**. He also submitted that 'jaggery' is already included as item No.17 in Annexure-X of the Bye-laws of the first respondent-Agricultural Market Committee.

Under the circumstances, following the said judgment and having regard to the fact that 'jaggery' is included as agricultural produce in the bye-laws of the first respondent, the writ petition is dismissed. No costs.

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N.V. RAMANA, J

Date: 07-09-2004

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To

1. The Special Grade Secretary, Agricultural Market Committee, Guntakal

2. The Secretary, Government of Andhra Pradesh, Agriculture and Marketing, Secretariat, Hyderabad.

3. Two CD copies.